

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAIGE A. THOMPSON,

Defendant.

No. CR19-159-RSL

**PAIGE THOMPSON'S MOTION TO
COMPEL UNREDACTED EMAILS**

Noted: June 3, 2022

Paige Thompson, through counsel, moves to compel the government to disclose unredacted email threads involving two of its proposed expert witness.¹ Ms. Thompson needs unredacted versions because not having them significantly prejudices the defense's ability to prepare for trial and cross-examine the witnesses regarding those email threads.

Two days ago, on June 1, 2022, the government produced materials Bates-stamped USA_00015428 through USA_00015841. Among those materials there are a series of email threads with two government expert witness, FBI Special Agent Waymon Ho and John Strand, which were heavily redacted.² (Exs. A (Ho) and B (Strand).) On June 2, 2022, the defense requested unredacted versions from the

¹ Pursuant to Local Rule 16, defense counsel certifies that they have met and conferred with the government.

² Ho and Strand are on the government's witness list and in its trial brief. (Dkt. Nos. 253 at 2 and 255 at 20-21.)

1 government. The government refuses to provide unredacted versions, claiming in
2 emails today and yesterday that the redacted portions are non-discoverable work-
3 product emails written by federal prosecutors. The government further claims that the
4 email threads it has redacted are primarily (1) emails asking the experts questions, (2)
5 emails listing action items, (3) emails regarding scheduling, and (4) emails to defense
6 counsel; and that none are materials upon which Ho or Strand relied on to form their
7 opinions.

8 To be clear, the defense does not seek unredacted portions of the emails
9 containing #3 (scheduling information). As for category #4 (communications with
10 defense counsel), the defense is unsure why government redacted those portions of the
11 email threads. The defense already has copies of its own e-mails and such redactions
12 undermine the government's first claim that "[t]he redacted portions are non-
13 discoverable work-product emails."

14 The defense seeks unredacted copies of the other portions of the emails threads
15 with Ho and Strand. Regarding #1 (questions) and #2 (action items), they provide
16 valuable context for understanding Ho's and Strand's responses and can communicate
17 important information to them. For example, in USA_00015527, Ho writes "I couldn't
18 find specific references to cryptocurrency mining though" in response to what is
19 understood to be a redacted question presumably from one of the federal prosecutors.
20 (Ex. C at 1.) Because of the government's redactions, the defense is left to guess at
21 what and where Ho reviewed to draw his conclusion, and therefore Ho's response is
22 open to many possible meanings. A quick review of the attached email threads shows
23 similar problems throughout as a result of the government's redactions for two
24 important government witnesses. (*See* Exs. A through O.)

25 Moreover, the redacted portions may deal with other subject matters, not just
26 "questions" and "action items." After all, the government only claims that those are two

1 of the “primary” categories, but there could be others. And #4 (emails to defense
2 counsel) could be snippets of defense counsel emails that are characterized or excerpted
3 by the federal prosecutors in a certain manner, and thus seeing them is necessary to
4 understand and evaluate Ho’s and Strand’s statements that follow.

5 Ms. Thompson requests the Court order the government to promptly disclose
6 unredacted versions of the email threads with Ho and Strand found in the materials
7 Bates-stamped USA_00015428 through USA_00015841, as well as any other emails
8 threads with government witnesses in prior productions that the government redacted
9 for similar reasons.

10 DATED: June 3, 2022

Respectfully submitted,

11 /s/ *Mohammad Ali Hamoudi*

12 MOHAMMAD ALI HAMOUDI

13 /s/ *Christopher Sanders*

CHRISTOPHER SANDERS

14 /s/ *Nancy Tenney*

NANCY TENNEY

Assistant Federal Public Defenders

16 /s/ *Brian Klein*

17 BRIAN KLEIN

18 /s/ *Melissa Meister*

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